



DOCKET NO. 2880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David S. Keppel

Serial No.: 10/728,212 Examiner: Unknown

Filed: December 4, 2003 Art Unit: 2838

For: CIRCUIT FOR CONTROLLING ARC ENERGY FROM AN  
ELECTROSURGICAL GENERATOR

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF NONPROVISIONAL APPLICATION-FILING DATE GRANTED

Sir:

In response to the Notice of File Missing Parts of Non-Provisional Application - Filing Date Granted, dated March 18, 2004, Applicant(s) encloses herewith a copy of the Notice to File Missing Parts of Application -Filing Date Granted and the properly executed Declaration and Assignment in compliance with 37 C.F.R. 1.63. Please charge the required fee of \$130.00 to cover the surcharge under 37 C.F.R. 1.16(e) to Deposit Account No. 21-0550.

04/12/2004 MBERHE 00000059 210550 10728212

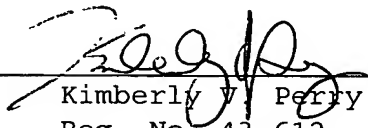
01 FC:1051 130.00 DA

In the event any other extensions of time are required,  
please treat this paper as a petition to extend the time as  
required and charge Deposit Account No. 21-0550 any fees  
therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

Dated: 4/7/04

By:

  
Kimberly V. Perry  
Reg. No. 43,612  
Attorney for Applicant

United States Surgical, a division of  
TYCO HEALTHCARE GROUP LP  
150 Glover Avenue  
Norwalk, CT 06856  
(203) 845-4562



PATENT

Atty. Docket No: 2880

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): David S. Keppel

SERIAL NO. : 10/728,212 EXAMINER : Unknown

FILED : December 4, 2003 GROUP ART UNIT 2838

FOR : CIRCUIT FOR CONTROLLING ARC ENERGY FROM  
AN ELECTROSURGICAL GENERATOR

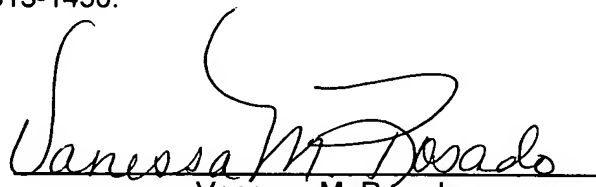
CERTIFICATE OF MAILING

Date of Deposit: April 7, 2004

I hereby certify that the following:

- ☒ This Certificate of Mailing
- ☒ Notice to File Missing Parts of Nonprovisional Application-  
Filing Date Granted Dated 3/18/04
- ☒ Response to Notice to File Missing Parts
- ☒ Executed Declaration and Power of Attorney Document
- ☒ Executed Assignment of Invention Document
- ☒ Recordation Cover Sheet
- ☒ Return postcard

are being deposited with the United States Postal Service first-class mail on the Date of Deposit indicated above in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Vanessa M. Rosado

United States Surgical, a division of  
TYCO HEALTHCARE GROUP LP  
150 Glover Avenue  
Norwalk, CT 06856  
(203) 845-1172



Attorney's Docket No. 2880

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one)

- ☒ original  
☐ design
- (check one, if applicable)  
☐ national stage of PCT  
☐ supplemental
- ☐ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**CIRCUIT FOR CONTROLLING ARC ENERGY FROM AN ELECTROSURGICAL GENERATOR**

**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

- (a) ☐ is attached hereto.  
(b) ☒ was filed on December 4, 2003 as ☒ Serial 10/728,212  
No. \_\_\_\_\_ or ☐ Express Mail No. \_\_\_\_\_, as Serial No.  
not yet known.  
and was amended \_\_\_\_\_ (if applicable).  
(c) ☐ was described and claimed in PCT International Application No.  
filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

**FOREIGN PRIORITY CLAIM**

☐ I hereby claim foreign priority benefits under Title 35, U.S.C. §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the

United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☒ no such applications have been filed.  
(e) ☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NO.	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 35 USC 119
---------	-----------------	--------------------------------------	--------------------------------------

☐ YES ☐ NO

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. §120

☐ I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §120, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Prior U.S. Application(s) or PCT International Application(s) Designating the U.S. For Benefit Under 35 U.S.C. §120.

U.S. APPLICATIONS

Serial No.	Filing Date	Status (issued, pending or abandoned)
------------	-------------	---

60/432,384	December 10, 2002	Abandoned
------------	-------------------	-----------

PCT APPLICATIONS DESIGNATING THE U.S.

PCT Application No.	PCT filing date	U.S. Serial Nos. assigned (if any)	Status (patented, pending, abandoned)
---------------------	-----------------	---	--

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

DONALD L. WEBBER, Reg. No. 34,275; MARK FARBER, Reg. No. 34,159; PAUL AUDET, Reg. No. 26,439; KIMBERLY V. PERRY, Reg. No. 43,612; and LISA J. MOYLES, Reg. No. 40,737; each of them of United States Surgical, a division of TYCO HEALTHCARE GROUP LP, 150 Glover Avenue, Norwalk, Connecticut 06856.

DAVID M. CARTER, Reg. No. 30,949; PETER DELUCA, Reg. No. 32,978; RAYMOND E. FARRELL, Reg. No. 34,816; JOSEPH W. SCHMIDT, Reg. No. 36,920; JEFFREY S. STEEN, Reg. No. 32,063; RUSSELL R. KASSNER, Reg. No. 36,183; CHRISTOPHER G. TRAINOR, Reg. No. 39,517; GEORGE LIKOUREZOS, Reg. No. 40,067; EDWARD C. MEAGHER, Reg. No. 41,189; FRANCESCO SARDONE, Reg. No. 47,918; DANA BRUSSEL, Reg. No. 45,717; JAMES M. LOEFFLER, Reg. No. 37,873; MICHAEL R. BREW, Reg. No. 43,513; MICHAEL J. PORCO, Reg. No. 46,007; and BERNADETTE BENNETT, Reg. No. 44,532; each of them of CARTER, DELUCA, FARRELL & SCHMIDT LLP, 445 Broad Hollow Road, Suite 225, Melville, New York 11747.

Send Correspondence to

Direct Telephone Calls To:  
(Name and telephone number)

Kimberly V. Perry, Esq.  
United States Surgical, a division of  
TYCO HEALTHCARE GROUP LP  
150 Glover Avenue  
Norwalk, Connecticut 06856


Kimberly V. Perry  
(203) 845-1059

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor David S. Keppel

Inventor's signature 

Date 4/1/04

Country of Citizenship USA

Residence 911 Tulip Street, Apt. C

Post Office Address Longmont, CO 80501